

10/01/2020

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**

ALEXANDRA POPOVCHAK and OSCAR GONZALEZ, individually and on behalf of all others similarly situated

## DEFENDANTS

UNITEDHEALTH GROUP INCORPORATED, UNITED HEALTHCARE INSURANCE COMPANY, UNITED HEALTHCARE SERVICES, INC., and UNITEDHEALTHCARE SERVICE LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER  
D. Brian Hufford, Jason S. Cowart, Zuckerman Spaeder LLP, 485 Madison Avenue, 10th Floor, New York, NY 10022, (212) 704-9600

**ATTORNEYS (IF KNOWN)**

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)**  
**(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

29 U.S.C. §§ 1001-1461 (ERISA), Wrongful denial of benefits and breach of fiduciary duty

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## **IS THIS AN INTERNATIONAL ARBITRATION CASE?**

No  Yes

## NATURE OF SUIT

(PLACE AN [x] IN ONE BOX ONLY)

**TORTS**

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/			[ ] 375 FALSE CLAIMS
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 376 QUI TAM
[ ] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY	[ ] 423 WITHDRAWAL	[ ] 400 STATE REAPPORTIONMENT
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 365 PERSONAL INJURY	21 USC 881	28 USC 157	[ ] 410 ANTITRUST
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[ ] 690 OTHER	[ ] 430 BANKS & BANKING	[ ] 450 COMMERCE
[ ] 151 MEDICARE ACT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	<b>PROPERTY RIGHTS</b>	[ ] 880 DEFEND TRADE SECRETS ACT	[ ] 460 DEPORTATION
[ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 820 COPYRIGHTS	[ ] 830 PATENT	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 840 TRADEMARK	[ ] 480 CONSUMER CREDIT
[ ] 160 STOCKHOLDERS SUITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY				[ ] 485 TELEPHONE CONSUMER PROTECTION ACT
[ ] 190 OTHER CONTRACT	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	<b>LABOR</b>	[ ] 861 HIA (1395ff)	
[ ] 195 CONTRACT PRODUCT LIABILITY	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 862 BLACK LUNG (923)	[ ] 490 CABLE/SATELLITE TV
[ ] 196 FRANCHISE	<b>ACTIONS UNDER STATUTES</b>	<b>PRISONER PETITIONS</b>	[ ] 720 LABOR/MGMT RELATIONS	[ ] 863 DIWC/DIWW (405(g))	[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE
		[ ] 463 ALIEN DETAINEE	[ ] 740 RAILWAY LABOR ACT	[ ] 864 SSID TITLE XVI	[ ] 890 OTHER STATUTORY ACTIONS
		[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 865 RSI (405(g))	[ ] 891 AGRICULTURAL ACTS
	<b>CIVIL RIGHTS</b>	28 USC 2255			[ ] 893 ENVIRONMENTAL MATTERS
		[ ] 530 HABEAS CORPUS	[ ] 790 OTHER LABOR LITIGATION	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	[ ] 895 FREEDOM OF INFORMATION ACT
		[ ] 535 DEATH PENALTY	[ ] 791 IRS-THIRD PARTY	[ ] 871 IRS-THIRD PARTY	[ ] 896 ARBITRATION
		[ ] 540 MANDAMUS & OTHER	26 USC 7609		[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
<b>REAL PROPERTY</b>	[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)		<b>SECURITY ACT (ERISA)</b>		[ ] 950 CONSTITUTIONALITY OF STATE STATUTES
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING				
[ ] 220 FORECLOSURE RENT LEASE & EJECTMENT	[ ] 442 EMPLOYMENT	<b>PRISONER CIVIL RIGHTS</b>	<b>IMMIGRATION</b>		
[ ] 230 TORTS TO LAND	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 443 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 462 NATURALIZATION APPLICATION		
[ ] 240 TORT PRODUCT LIABILITY	[ ] 445 AMERICANS WITH DISABILITIES - OTHER	[ ] 550 CIVIL RIGHTS	[ ] 465 OTHER IMMIGRATION ACTIONS		
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 446 EDUCATION	[ ] 555 PRISON CONDITION	CONDITIONS OF CONFINEMENT		

*Check if demanded in complaint:*

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

**IF SO, STATE:**

DEMAND \$ OTHER JUDGE DOCKET NUMBER

*Check YES only if demanded in complaint*

**NOTE:** You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |                                                           |                                                     |                                                          |                                                   |                                                                |                                                                   |                                                                           |
|-----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| <input type="checkbox"/> a. all parties represented       |                                                     |                                                          |                                                   |                                                                |                                                                   | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File)         |
| <input type="checkbox"/> b. At least one party is pro se. |                                                     |                                                          |                                                   |                                                                |                                                                   |                                                                           |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF  2 U.S. DEFENDANT  3 FEDERAL QUESTION  4 DIVERSITY  
(U.S. NOT A PARTY)

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Alexandra Popovchak, Manalapan, New Jersey (Monmouth County)

Oscar Gonzalez, Newark, New Jersey (Essex County)

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

UnitedHealth Group Incorporated, Minnetonka, Minnesota (Hennepin County)

United HealthCare Insurance Company, Hartford, Connecticut (Hartford County)

United HealthCare Services, Inc., Minnetonka, Minnesota (Hennepin County)

UnitedHealthcare Service LLC, Wilmington, Delaware (New Castle County)

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN

s/ D. Brian Hufford

DATE 12/21/2022

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[x] YES (DATE ADMITTED Mo. 05 Yr. 1991)  
Attorney Bar Code # DH-8171

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)